

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

GARY S. LAYTON,  
Plaintiff,

vs.

OCWEN LOAN SERVICING, LLC, A  
Delaware Limited Liability Company;  
FIRST AMERICAN TITLE  
INSURANCE COMPANY;  
RESIDENTIAL CREDIT SOLUTIONS,  
INC.; DITECH FINANCIAL, LLC and  
DOES 4 through 100, Inclusive,  
Defendants.

Case No.: EDCV 15-840-GW(Ex)

Assigned for all purposes to  
District Judge George H. Wu

**JUDGMENT ON STIPULATION**

The Court, having reviewed and considered the Stipulation for Entry of Judgment (“Stipulation”) entered into by and between Plaintiff, GARY S. LAYTON (“Plaintiff”), and Defendants, OCWEN LOAN SERVICING, LLC (“Ocwen”), RESIDENTIAL CREDIT SOLUTIONS, INC. (“RCS”) and DITECH FINANCIAL, LLC (“Ditech”), (collectively Ocwen, RCS and Ditech are referred to as “Defendants”) (where appropriate, Plaintiff and Defendants may also be collectively referred to as “Parties”), and for good cause appearing therefore, hereby enters judgment on the sole remaining cause of action for quiet title as follows:

IT IS HEREBY ORDERED that The real property that is the subject of this Action is commonly known as 4380 Milan Court, Riverside, California 92505

1 (“Property”), which Property is current designated as Assessor’s Parcel No. of 142-  
2 073-001, and is legally described as follows:

3 LOT 30 OF TRACT NO. 2595, AS SHOWN BY MAP ON FILE IN  
4 BOOK 49 PAGES 3, 4 AND 5 OF MAPS, RECORDS OF RIVERSIDE  
5 COUNTY, CALIFORNIA.

6 IT IS HEREBY FURTHER ORDERED that Plaintiff, GARY S. LAYTON, is  
7 the current and sole owner of the Property pursuant to the quitclaim deed recorded with  
8 the Riverside County Recorder’s office on January 11, 2002 as Instrument Number  
9 2002-021269 and the Affidavit – Death of Joint Tenant recorded with the Riverside  
10 County Recorder’s office on January 20, 2012 as Instrument Number 2012-0026018.

11 IT IS HEREBY FURTHER ORDERED that the Promissory Note in the amount  
12 of \$120,000.00 dated September 16, 2005 executed by Brian Curtis Layton in favor of  
13 Homecomings Financial Network, Inc. is a valid and enforceable loan secured by the  
14 Property.

15 IT IS HEREBY FURTHER ORDERED that the Deed of Trust dated September  
16 16, 2005 executed by Brian Curtis Layton and recorded with the Riverside County  
17 Recorder’s office on September 28, 2005 as Instrument Number 2005-0801695 is a  
18 valid and enforceable first priority security interest and lien on the Property, including  
19 Plaintiff’s interest therein.

20 IT IS HEREBY FURTHER ORDERED that Ditech Financial, LLC (“Ditech”)  
21 is the current beneficial owner and holder of the Promissory Note and beneficiary  
22 under the Deed of Trust.

23 IT IS HEREBY FURTHER ORDERED that Plaintiff’s ownership of the  
24 Property is subject to Ditech’s security interest in the Property pursuant to the Deed of  
25 Trust as of September 28, 2005.

26 IT IS HEREBY FURTHER ORDERED that defendants, OCWEN LOAN  
27 SERVICING, LLC (“Ocwen”), RESIDENTIAL CREDIT SOLUTIONS, INC.  
28 (“RCS”) are dismissed without prejudice.

1 IT IS HEREBY FURTHER ORDERED that Ditech shall record in the Official  
2 Records for the County of Riverside a certified copy of this judgment.


3 IT IS HEREBY FURTHER ORDERED that this Court retains jurisdiction to  
4 enforce this settlement if necessary.

5 IT IS HEREBY FURTHER ORDERED that neither Plaintiff nor Defendants  
6 shall be considered prevailing parties in the Action.

7 IT IS HEREBY FURTHER ORDERED that Each Party shall bear its/his/her  
8 own attorneys' fees and costs in the Action.

9  
10 **IT IS SO ORDERED:**

11  
12  
13 DATED: June 21, 2016

  
\_\_\_\_\_  
Honorable Judge George H. Wu  
UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within entitled action; my business address is: 5 First American Way, 4<sup>th</sup> Floor, Santa Ana, CA 92707-5913.

On \_\_\_\_\_ I served the foregoing document(s) described **[PROPOSED] JUDGMENT ON STIPULATION** on the interested parties in said action as follows:

☒ By placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Kathryn Dunaway  
P.O. Box 207  
Three Rivers, CA 93271

*Counsel for Plaintiff,  
Gary S. Layton*

☒ **BY U.S. MAIL** I deposited such envelope in an internal collection basket. The envelope was mailed with postage thereon fully prepaid from Santa Ana, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if a postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on \_\_\_\_\_, at Santa Ana, California.

\_\_\_\_\_  
L. Bryant Jaquez, Esq .